

RELATES TO: 20 U.S.C. 1471-1485

STATUTORY AUTHORITY: KRS 194A.050, 200.650-676

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services is directed by KRS 200.650 to 200.676 to administer all funds appropriated to implement administrative regulations. This administrative regulation sets forth the provisions of mediation used in First Steps, Kentucky's Early Intervention System.

**Section 1. Mediation.**

- (1) Mediation shall be adopted as an option to resolve complaints;
- (2) Mediation shall be voluntary and freely agreed to by both parties, and shall not preclude the opportunity for a due process hearing to be conducted at any time;
- (3) Unless the parent of a child and the cabinet otherwise agree, the child shall continue to receive the early intervention services currently being provided during the interim of any proceeding involving a complaint. If the complaint involves the application for initial services, the child shall receive those services that are not in dispute;
- (4) The time table for the mediation process shall be:
  - (a) Within five (5) working days after a request for mediation is made to the cabinet, the appointment of a mediator shall be made;
  - (b) Either party may waive the mediation and if waived the parents shall be informed by the cabinet within two (2) working days of this decision;
  - (c) Mediation shall be completed within thirty (30) working days of the receipt by the cabinet of the request for mediation.
  - (d) At any time during the mediation process, a request for a due process hearing may be initiated;
- (5) Mediation resolutions may not conflict with state or federal laws and shall be to the satisfaction of both parties; satisfaction shall be indicated by the signature of both parties on the written resolution;
- (6) A copy of the written resolution shall be mailed by the mediator to each party within five (5) working days following the mediation conference. A copy shall also be filed by the mediator with the cabinet;
- (7) Mediators shall be trained in First Steps policies and procedures. (23 Ky.R. 3149; eff. 6-16-97; recodified from 908 KAR 2:180, 10-25-2001.)